

**Department of Pesticide Regulation  
Environmental Justice Planning Work Group  
Meeting Minutes  
August 24, 2006**

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**Members Present:** Terry Stark, Marilyn Dolan, Renee Pinel, Jim Wells, Carolina Simunovic, Mily Trevino- Saucedo, Tracey Brieger, Veda Federighi, Carl Winter, Gary Kunkel, Martha Arguello, Jena Ambacher, Shankar Prasad, Teresa DeAnda.

**Members Absent:** Erin Field, Claudia Soria, Karen Heisler, Laurie Nelson, Brenda Washington Davis

**Facilitators:** Joseph McIntyre, Sara Tickler

**Next Meeting:** September 14, 10:00-2:00  
**Location:** 2nd Floor Conference Room  
Regional Council of Rural Counties  
801 12th Street (between H and I streets) Sacramento

**Housekeeping:**

- Meeting Minutes are approved for posting as final
- Put meeting location on future agendas

**Meeting Agenda:**

- Welcome and Introductions
- Workgroup members' perspectives on Environmental Justice
  - Review of definition of legal definition of EJ
  - Identification of EJ issues perceived by members [This will be a brainstorming process where all ideas presented by any WG member will be added to list of perceived issues]
- Clarification dialogue on issues identified
  - This is a chance for the group to discuss the list created in the morning and ask clarifying questions
- Prioritization of preliminary issues by the WG
- Next steps: given the issues identified should the WG recommend adoption of the CA EPA strategy? Create both a strategy and implementation plan?
- Set meeting dates through February 07

**Meeting Ground Rules:**

- Listen
- Respect
- Hold Judgment
- Share Fully
- Courtesy:
  - Silent cells/pagers
  - Be concise
  - Be on time

- Be prepared

### ***What is the Work Group's Deliverable?***

Recommendations that the Department will use to develop its EJ strategic and implementation plans. Specifically, what environmental justice problems and issues should be the highest priority for DPR and the Agriculture Commissioners? What problems do you see, and how would you have DPR and the CACs address them? Recommendations must be incorporated into DPR's operational plans and priorities.

### ***Environmental Justice Definition:***

State law defines EJ as "the fair treatment of people of all races culture and incomes with respect to the development adoption, implementation, enforcement of environmental laws, regulations and policies."

### ***Work Group Observations Regarding the Definition of EJ:***

- Public participation is missing from the definition.
- The definition addresses fair procedures, but does not deal with existing disproportionate impacts, redress, or cumulative impact.

### ***What Does Success Look Like in EJ?***

- People affected by pesticides have as much information and access to people that make changes as others.
- Equal access. How would we measure equal access? What is the performance standard?
- Pesticide investigations completed in same time regardless of who filed the complaint.
- Success would look different for every group.
- It's about preventing adverse impacts on the environment. Participation is vital from all groups.

### ***What are key things we need to focus on, in terms of environmental justice - and in recommending to DPR?***

The Work Group was asked to provide elements that members think are important to include in the Department's EJ Strategy and Implementation Plan. They were asked by the facilitator to do so as a self-identified member of one of the three stakeholder groups: Regulatory, EJ Advocacy and Regulated Industry. Afterwards, all members were asked to identify their seven highest priority items. Each member was also given the opportunity to use a red dot to identify their desire to "block" that item. The EJ elements and number of priority dots [the two red dots that were used, are in red and parenthesis].are shown in the following three tables:

<b>Regulatory: EJ Focus Elements</b>	<b># of Priority Dots</b>
▪ Accessibility to DPR processes and decision-making	0
▪ Investigations need to be blind respective to who is being investigated and who filed complain; need to be skillful, need to be culturally aware.	5
▪ Science-based decisions with science being clearly defined. We can't use outdated definitions. ▪ We need a broad understanding of different research methodologies that best serve the issues.	3

▪ Given that there is no such thing as scientific certainty, how do we make decisions?	
▪ Communicate in a way that makes people comfortable.” Avoid hyperbole and overstatement.	2
▪ Creating meaningful relationships between department and community. ▪ Everyone understands regulation and has access to process	6
▪ Define “due process” and execute accordingly within time frame.	5
▪ Disagree with the fact that DPR has the power to approve or disapprove of CAC enforcement actions.	1

<b>EJ Advocates: EJ Focus Elements</b>	<b># of Priority Dots</b>
▪ Increase enforcement that protects the most vulnerable.	5
▪ There is a lack of representation at the state and local level of people who can relate with EJ experience/people who look like EJ community and advocates [i.e., diversity in staff and services available, etc.]	3
▪ Bureaucracy: the infrastructure of institutions/agencies is very foreign to the farm worker communities: it's complex and confusing. Need to partner with the community.	4
▪ Some information can't be translated in a way that does it justice.	1
▪ Fairness doesn't exist is people don't understand a risk to begin with.	0
▪ Increase agency accountability and transparency.	5
▪ Protect communities who don't have access and/or are marginalized.	1
▪ Prevention: defining and measuring.	3
▪ Identify what remedies exist and who can provide them.	1
▪ There is a lack of power and influence in decision-making. It isn't balanced.	(1)
▪ There is a need to work within the cultural context.	1
▪ Different types of communication work with different cultures <ul style="list-style-type: none"> <li>○ PowerPoint presentations are not for everyone</li> <li>○ Need lots of visuals and theatre.</li> </ul> ▪ It takes a lot of meetings to get information exchanged. There is a large gap between what experiences and communication channels people understand.	5
▪ We need to focus on our own process about fairness/decision making; who gets to speak for whom. We should set the bar; walk the talk.	0
▪ Triggering an investigation is difficult for communities.	1
▪ Addressing contamination in a way that it impacts [# of chemicals at one time, etc.]. There is a gap between the regulatory schema and the way exposure occurs.	1
▪ Information with contact numbers is not available to all who need it. ▪ Information re: immediate responses to exposure isn't available to people who could help.	3
▪ People who can speak Spanish in the local offices and people available after “regular business hours.”	4
▪ Community experience and data collection needs to be honored in “science”-based. What is the weight of evidence?	3
▪ Getting information out to physicians and first responders on how to handle pesticide illnesses and emergencies. Physicians do not know how to recognize pesticide illnesses.	6

<ul style="list-style-type: none"> <li>Getting information out about pesticide use/exposure and what you can do about it.</li> </ul>	
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Industry: EJ Focus Elements	# of Priority Dots
<ul style="list-style-type: none"> <li>Define protocol required by government. Industry is mandated to rely on and develop certain types of science. This makes representing registrants difficult.</li> </ul>	(1)
<ul style="list-style-type: none"> <li>Equal access to process and information.</li> </ul>	5
<ul style="list-style-type: none"> <li>EJ issues are health and safety issues for growers</li> </ul>	0
<ul style="list-style-type: none"> <li>The laws are set, farmers follow them and there is still a problem. They feel they can't win.</li> </ul>	0
<ul style="list-style-type: none"> <li>Cause and affect: we need to consider all of the factors that could contribute to an EJ issue. It's hard to peg what is truly being affected and by what.</li> </ul>	1
<ul style="list-style-type: none"> <li>Absolute, not arbitrarily placed justice in reaction to what's happening in a community at a given time.</li> </ul>	0
<ul style="list-style-type: none"> <li>The growers are stuck between "over-regulated" and "not-regulated-enough"</li> </ul>	0
<ul style="list-style-type: none"> <li>We know we have a responsibility to public health and don't expect a free pass.</li> </ul>	0
<ul style="list-style-type: none"> <li>Regulations have outcomes that benefit the community.</li> </ul>	3

#### **Discussion:**

- During the inquiry portion of the meeting, the Work Group discussed the importance of shared definitions. Several terms used in the brainstorming session [e.g., enforcement, accountability, and scientific certainty] are defined differently by different audiences.
- For example, how would you define "**accountability**?" When there is a poisoning how do you remedy it and follow through? How you report a pesticide illness? Need to be able to define it in the plan.

**ACTION:** Martha Arguello and Jim Wells will work together to develop a definition of accountability to propose to the group at our next meeting.

- Enforcement** could mean we need new laws, but are we enforcing and complying the laws we already have? Some members feel that fines can be arbitrarily applied or that violators never get fined and we need tougher enforcement. Many potential violations aren't reported and those that are may be ignored or no enforcement action taken. Enforcement includes education, consistency, compliance, accessibility, follow up and effective deterrence, incentives, oversight. It is a robust and multi-faceted approach. Reporting and follow through with a day-by-day notification of what is happening on the issue. We want a consistent application of enforcement
- Bureaucracy:** How do we deal with the complexity? DPR could partner with local community leaders to build trust and increase reporting and build capacity and education and cultural competency. Training can be leveraged among entities.
- When it comes to EJ, it may require us to look at unusual forms of interaction with the community to be effective. The chain of agencies might not work in a community of color. There are better ways to get in the door there. To do the business of government might require something radical.

- There should be a heavier burden of proof for those who approve a pesticide for use than in the community affected. What is **science**? What is data? There is a difference between developing data to get a product approved and gathering data after it's in use. The indicators that are often used afterward are IQs of children, etc. that have nothing to do with getting it approved. How do we resolve this discrepancy and bring about uniformity and consistency in this area? This should be built into our after-market studies need to have scientific rigor to it. The regulatory paradigm has a set of methodologies for approving the use of chemicals. If you can use community based data to support it, or cumulative affects [different kettle of fish]. How do we act on the real world experience of communities and what people are reporting to ER doctors? How do I share with you what I know and how I know it?
- A concern was expressed that the Work Group looks at the brainstormed list as a beginning. It is the first cut and there are more challenging issues to discuss for significant changes in EJ to occur.

### ***Future Meeting Dates:***

The Work Group agreed to “hold” the following dates for future meetings until further notice:

September 14

October 5

November 15

December 12

January 16

February 13

### ***Assignments:***

**All:** Review the DPR Draft EJ Strategy and come to our next meeting, prepared to talk about whether we should use unmodified, modify it, or create own. If we are going to modify it, how would you do so? What would you add? Delete? Given this information, where do we want to start thinking about agency taking action? What solutions should we propose?

**Martha Arguello and Jim Wells:** Draft a proposed definition for “accountability.”